

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Materials to be Filed in Support of 2017 Annual)	WC Docket No. 17-65
Access Tariff Filings)	
)	

ORDER

Adopted: May 10, 2017**Released: May 10, 2017**

By the Acting Chief, Wireline Competition Bureau:

I. INTRODUCTION

1. In this Order, the Bureau grants, on its own motion, a waiver of the requirement that price cap incumbent local exchange carriers (LECs) file short form Tariff Review Plans (TRPs) for purposes of the 2017 annual access charge filing. The deadline for short form TRP filings is currently May 17, 2017,¹ but the factors needed to calculate three of the most common exogenous cost adjustments will not be available prior to the short form filing deadline. As a result, carriers will not know the amount of the required adjustments for these exogenous expenses by May 17. Without that information, the short form TRP would provide little value to the Commission, industry, and consumers, and the burden imposed on industry to prepare and file it would outweigh any value. Accordingly, a one-time waiver of the May 17, 2017 short form TRP filing obligation is warranted.

II. DISCUSSION

2. As described in the *2017 Annual Access Charge Tariff Filing Order*,² incumbent LECs that file tariffs under price cap ratemaking methodology are required to file revised annual access charge tariffs every year.³ Among the tariff filing obligations, price cap incumbent LECs are required to submit a short form TRP and then later submit a long form TRP on dates announced annually by the Commission.⁴ The short form TRP is a spreadsheet that details the exogenous cost adjustments that price cap incumbent LECs might make to their price cap indices. This year, however, the factors needed to calculate the exogenous cost adjustments related to regulatory fees, Telecommunications Relay Service (TRS) and North American Numbering Plan Administration (NANPA) expenses will not be available

¹ *July 1, 2017 Annual Access Charge Tariff Filings*, WC Docket No. 17-65, Order, 32 FCC Rcd 1918, 1920, para. 5 (WCB 2017) (*2017 Annual Access Charge Tariff Filing Order*).

² *Id.*

³ 47 CFR § 61.43.

⁴ *2017 Annual Access Charge Tariff Filing Order*, 32 FCC Rcd at 1920, para. 5. Section 61.49(k) of the Commission's rules requires price cap incumbent LECs to file supporting detail without rate information 90 days prior to the usual effective date of July 1. 47 CFR 61.49(k). Although we have not previously waived the filing of the short form TRP, we have previously waived the deadline for filing the short form TRP. In 2014, we granted USTelecom's request for waiver of section 61.49(k) to permit the short form TRP to be filed approximately 45 days prior to the annual access charge tariff effective date. See *July 1, 2014 Annual Access Charge Tariff Filings*, WC Docket No. 14-48, Order, 29 FCC Rcd 3133, 3134-35, paras. 5-6 (WCB 2014).

prior to the short form TRP filing deadline, May 17, 2017. Additional exogenous cost adjustments related to other categories may be required, but many of these adjustments are often not applicable to any particular carrier in any given year. These might include exogenous cost adjustments related to: (1) sale of exchanges; (2) excess deferred taxes; (3) amortization of investment tax credits; (4) low end adjustment calculations; (5) changes in the allocation of costs between regulated and unregulated activities; (6) removal of thousand block number pooling; and (7) other exogenous cost changes.⁵ The long form TRP includes the information in the short form TRP, as well as rate detail information.⁶ Carriers adjust their price cap indices based on year-to-year changes to the costs in these categories.

3. Section 1.3 of our rules authorizes waiver of a Commission rule for good cause shown.⁷ We find that good cause exists for a one-time waiver of the requirement for price cap incumbent LECs to file short form TRPs for purposes of the 2017 annual access charge tariff filing. First, the factors needed to calculate three of the most common exogenous cost adjustments – regulatory fees, TRS fees, and NANPA expenses – will not be available prior to the short form filing deadline of May 17. Thus, the amount of the required adjustments for these exogenous expenses will be unknowable at that time. Without knowing the amount of each factor, the short form TRP would provide little value to the Commission, industry, and consumers, and the burden imposed on industry to prepare and file it would outweigh any value. Second, because the exogenous cost information will be filed as part of the long form TRPs, if the new factors become available by the time the long form TRP filings are due, the information will be made available to the Commission and interested parties through those filings. Third, although we have not previously waived altogether the short form TRP requirement, there is a legitimate question as to whether the short form TRP serves a necessary purpose given its limited utility and our collection of exogenous cost information in the long form TRPs. While the Commission may undertake a review of the continued usefulness of the short form TRP in the future, given the circumstances, a waiver of this year's obligation is appropriate to avoid the unnecessary burden that would be imposed on industry of preparing and filing a short form TRP of questionable value. This waiver applies to all price cap incumbent LECs who would have filed a short form TRP on May 17, absent the waiver.

4. Accordingly, IT IS ORDERED that, pursuant to sections 1, 4(i) and (j), 5, and 201-209 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i)-(j), 155, 201-209, and section 1.3 of the Commission's rules, 47 CFR § 1.3, the obligation to file a short form TRP for purposes of the 2017 annual access charge tariff filing pursuant to section 61.49(k) of the Commission's rules, 47 CFR § 61.49(k) is WAIVED to the extent described herein.

5. This ORDER is issued pursuant to authority delegated by sections 0.91 and 0.291 of the Commission's rules, 47 CFR §§ 0.91, 0.291.

FEDERAL COMMUNICATIONS COMMISSION

Kris Anne Monteith
Acting Chief
Wireline Competition Bureau

⁵ See *Material to be Filed in Support of 2017 Annual Access Tariff Filings*, WC Docket No. 17-65, Order, DA 17-386, para. 24 (rel. Apr. 24, 2017) (WCB 2017).

⁶ See 47 CFR § 61.49(k).

⁷ See 47 CFR § 1.3 ("Any provision of the rules may be waived by the Commission on its own motion or on petition if good cause therefore is shown."); see also *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (citing *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969) (waivers must show special circumstances warranting a deviation from the general rule, and show such a deviation will serve the public interest)).